THE COAST GUARD (AMENDMENT) BILL, 2001

THE MINISTER OF DEFENCE (SHRI GEORGE FERNANDES): Madam, I beg to move:

"That the Bill further to amend the Coast Guard Act, 1978, be taken into consideration."

...(Interruptions)...

श्री लालू प्रसाद : इस में जांच चल रही है । महोदया, तहलका मामले में ...**(व्यवधान)**... इन्होंने रिजाइन किया । ...**(व्यवधान)**... । देश की रक्षा के साथ घपला हुआ है। ये इल्लीगल है । महोदया, इन्होंने तहलका डॉट कॉम मामले में देश का नाम दुनियाभर में नीचा किया है । ...**(व्यवधान)**...

SHRI GEORGE FERNANDES: Madam, the Coast Guard (Amendment) Bill, 1996 was introduced in the Rajya Sabha on 26th November, 1996. *...(Interruptions)*...

THE DEPUTY CHAIRMAN: It would not go on record.

SHRI GEORGE FERNANDES: It was referred to the Standing Committee on Defence on 29th November, 1996, and the Report of the Standing Committee was presented in the Rajya Sabha on 22nd April, 1997.

...(Interruptions)...

The Rajya Sabha referred the Bill on 4th August, 1997 to the Select Committee of the Rajya Sabha, which considered the Bill and submitted its Report to the Rajya Sabha on 24th November, 1997.

...(Interruptions)...

With a view to bring the provisions of the Coast Guard Act, 1978, in conformity with the provisions of the Army Act, 1950, the Navy Act, 1957, and the Code of Criminal Procedure, 1973, it is proposed to amend the Act to provide, *inter alia,* the following, namely:-

(Interruptions)

Inclusion of the rank of Pradhan Yantrik in the definition of the expression "subordinate officer".

...(*Interruptions*)...

Making the punishment for the offence of desertion more deterrent.

...(*Interruptions*)...

Increasing the time-limit within which the trial of the offender should begin where more time is spent in investigation of an offence or the commission of an offence comes to light after a long gap of its occurrence.

...(*Interruptions*)...

Increasing the existing time-limit during which the trial of personnel ceasing to be subject to the Act shall commence.

...(*Interruptions*)...

Providing for punishment of officers below the rank of Commandant by the Director-General, Coast Guard and other authorities for expeditious trial of such officers for the offences which are of less serious nature.

...(*Interruptions*)...

Regularisation of absence of personnel punished with mulcts (fine imposed for an offence) of pay and allowances.

...(*Interruptions*)...

Admissibility of reports of certain scientific experts as evidence in trial proceedings.

...(*Interruptions*)...

THE DEPUTY CHAIRMAN: Let him finish. ...(*Interruptions*)...

SHRI GEORGE FERNANDES: The recommendations of the Select Committee were:-

Clause 3 - Amendment to section 25 (2) --

The term "desertion" should be re-defined explicitly, specifying the kinds of desertion and also the punishment, commensurate with the severity and nature of desertion.

...(*Interruptions*)...

(ii) The attempts to commit any offence of desertion be covered under the existing section 45 of the Coast Guard Act.

...(*Interruptions*)...

(iii) The forfeiture of pay, pension, gratuity, allowances, etc., should not include the pay, pension, gratuity, etc., already paid.

...(*Interruptions*)...

THE DEPUTY CHAIRMAN: Nothing will go on record except the Minister. ...(*Interruptions*)...

SHRI GEORGE FERNANDES: The above recommendations were examined in the Ministry and the recommendations at sub-paras (i) and (ii) above have not been found acceptable. The recommendation at sub-para (iii) above has been accepted. ...(*Interruptions*)...

Clause 4- Amendment to section 51(1) -- section 51(1) lays down the limitation period of three years for conduct of trial against an offender. It was proposed to specify the commencement of period of limitation for conducting such trial. In this regard, the Select Committee had recommended that different periods for offences, based on severity, be laid down, as defined in Section 468 of the Cr.P.C. (Interruptions).... This recommendation has not been accepted, since the crux of the amendment is to lay down the commencement of period of limitation similar to sections 469 and 470 of the Cr.P.C. ...(*Interruptions*)... Further, similar provision also exists in the Army Act, 1950, the Navy Act, 1957, the Air Force Act, 1950, the National Security Guard Act, 1986, and the Indo-Tibetan Border Police Force Act, 1992.

...(*Interruptions*)...

THE DEPUTY CHAIRMAN: Nothing is going on record except the Minister. ...(*Interruptions*)...

SHRI GEORGE FERNANDES: (c) Clause 5 - Amendment to section 52(2) - Section 52(2) lays down the time-limit for conduct of trial against the offender after he has ceased to be in service. ...*(Interruptions)*... At present, an offender can be tried for an offence within the period of six months after his retirement. ...*(Interruptions)*... This was proposed to be extended to three years. ...*(Interruptions)*... The Select Committee had recommended to reduce this period to two years, which has been accepted.

श्री लालू प्रसाद : मैडम, हम वाक आउट कर रहे हैं । ...**(व्यवधान)**...

उपसभापति : आप बाहर जाना चाहते हैं तो जाइए । ...**(व्यवधान)**...

(At this stage some hon. Members left the Chamber.)

SHRI GEORGE FERNANDES: The Bill was withdrawn for the following reasons:-

The matter was considered by the Ministry of Law and Ministry of Parliamentary Affairs in November, 1998, who advised to withdraw the Bill and to introduce a fresh Bill, in view of the amendments suggested by the Select Committee. The Government, accordingly, decided to withdraw the Bill and introduce a fresh Bill, after examining the suggestions of the Select Committee. The CCS approved the proposal to withdraw the Bill on 4th September, 2001. The Bill was withdrawn and reintroduced on 28th November, 2001.

Madam, with these words, I would request the hon. Members to take up the Coast Guard (Amendment) Bill, 2001 for consideration and passing.

The question was proposed.

THE DEPUTY CHAIRMAN: The whole problem is, those people who have not given their names are making more noise than those two people who have given their names. That is the funniest part of it. There are only two names, Shri N. Jothi and Shri Virumbi. I will give four minutes each to both the Members. This Bill will be over in eight minutes.

THE MINISTER OF PARLIAMENTARY AFFAIRS AND THE MINISTER OF COMMUNICATIONS AND INFORMATION TECHNOLOGY (SHRI PRAMOD MAHAJAN): Madam, this is the last Bill. It should continue till 5 o'clock.

SHRI N. JOTHI (Tamil Nadu) : Madam, I need more than four minutes because I have to talk about the problem of Tamil Nadu.

THE DEPUTY CHAIRMAN: If you want to come in front, you can come. But do not fight with Shri Virumbi. Do not go closer to him.

SHRI N. JOTHI: I will not. I rather believe in persuasion than in fighting.

THE DEPUTY CHAIRMAN: The closer you go to him the greater the fear I have.

SHRI N. JOTHI: I am happy to participate in the discussion on the Bill moved by Shri George Fernandes. He may not be knowing me, but I know him very well. When he defeated Shri S.K. Patil, I distributed sweets in my younger days. He does not know that I was an admirer of him in those days. But I am not an admirer of his today because of various reasons. I do not want to enter into that politics here. When he led the historic railway strike, those who were put in jail, as a young lawyer I brought them out. That was my affection for Shri George. But I do not have that much affection for him today for reasons which I am going to mention here. ...*(Interruptions)*... Perhaps, he might have mellowed, but I am not mellowed. I am still keeping that tempo with me. You kindly remember those days when you came to Rameshwaram. Just few months ago, you came to Rameshwaram and participated in a function where the fishermen of Tamil Nadu were put to a lot of difficulties because of the problem of Kachchativu by the Navy personnel of Sri Lanka. This is the problem which we are always facing. We have been facing this problem when Kachchativu was granted to Sri Lanka. It is a small Island stretching in an area of one and a half kilometre length and 500 metres width. It is in the Bay of Bengal. Without consulting Tamil Nadu it was handed over to Sri Lanka. This problem started from there. It was the biggest blunder which was committed by the Government of India.

THE DEPUTY CHAIRMAN: Recently?

SHRI N. JOTHI: Madam, long back. At least, this problem should have been solved. But this problem has not been solved so far. This problem can be solved by Shri George Fernandes. But he is not solving this problem. This is my grievance. I know the amendment is only in regard to

service matters. As a lawyer, I know what for this amendment has been brought. This amendment has been brought for those persons who have deserted; so that they cannot go away from the clutches of law; to catch them and punish them and for other service matters. I would like to draw his attention to the purpose for which this Act came into force in the year 1978. The Coast Guard Act came into force in the year 1978. Its objective was to save the Maritime Zone of India. It was brought because our country has got the Arabian Sea on the Western side and the Indian Ocean and the Bay of Bengal on two other side. Madam, when our coastal area is quite long, it has to be safeguarded not by the regular Navy, but by an auxiliary force like the Coast Guard. The Coast Guard has been termed in the Act as an armed force and it has been given a lot of powers. Money has been allocated and there are officers to take care of various matters. But what are they doing? As far as we, in Tamil Nadu, are concerned, they are only bringing disappointments to us. Madam, the Coast Guard is an armed force within the meaning of Section 4 (1). The purpose of the Act is to safeguard the Maritime Zone of India, the protection of fishing interests. This very purpose is mentioned in the Act itself. But, to what extent, the fishing interest has been guarded? It is an absolute minus. Madam, I am only echoing the pathetic condition of the fishermen of Rameshwaram who are not able to venture into the sea because of firing squads sent by the Sri Lankan Navy. A very small country is playing with us. We are keeping quiet when Pakistan is playing with us regularly; we remain silent. And, a small country is taking us for granted and we are still keeping quiet! This is a very unfortunate situation which I am bringing to the notice of the hon. Minister. He was my mentor once upon a time; I may belong to the Dravidian movement, but we also have a little connection with socialism and we did appreciate him in those days. Shri George Fernandes is well-known in Tamil Nadu. Now, when he is the Defence Minister, can he place us in such a position?

Madam, the national interest is sought to be protected. Apart from the coastal interest, apart from the fishermen's interests, the national interest has to be safeguarded. The Act itself says, in Section 14 (1) that the national interest should be taken care of. But, unfortunately, this is not seen in reality. Madam, Section 14 (1) of the parent Act says: -- it has the caption 'Duties and Functions of Coast Guard' -- "It is mandatory to protect, by taking such measures, the maritime and national interest of India. And, Section 14 (2) (b) talks about protection of fishermen. But what

is the reality? The hon. Minister himself had presided over a function at Rameshwaram. There, our fishermen are being caught while they are fishing, and they are taken to Sri Lanka and put in jail. This creates a problem to the State Government. Now, the people, who have lost their menfolks, do not know whom to approach. They shout for help from the State Government. We are answerable to them. We then write letters to the Prime Minister and to the Indian High Commission in Sri Lanka. But they don't care for us. Weeks and months pass by and we do not even know whether they are alive or not. Thereafter, the exchange programme takes place, and there is coverage by some television channels. Now, this is happening regularly. What is the solution you have got for this? You cannot allow this to go on like this. I can understand when the big countries are troubling us. But a tiny country like Sri Lanka is wagging its tail at us. The tail should be cut first before the head is cut. They are daringly doing this. What is the solution for this? When I am talking about this problem, I will also give a solution for this. I have got here a book published by your Department in which there is a Chapter on Coast Guard. In that book, they have mentioned as to how many vessels, dornier aircraft, hovercraft, etc. have been kept there. But I have not seen any of these at Rameshwaram. I do not know where these are all kept.

Please make some arrangement so that the people from Sri Lanka who venture into our territory may think twice before coming to this side. Coast Guard is mentioned in Chapter VI. This is a publication of the Ministry of Defence of the Government of India. This is their Annual Report for 2001-02. It talks about Coast Guard, at page 48. So many functions of Coast Guard have been mentioned. But, very carefully, they have avoided the term 'protection of fishermen'. They have indicated how Hindi is to be spread. Use of Hindi is mentioned at page 52. But that is not your work, Sir. Your work is not to spread the use of Hindi; your work is to protect the fishermen of this country. Kindly understand that. What is mentioned at page 52 is, "The Coast Guard encourages the use of Hindi". Why don't you encourage fishing and why don't you give protection to fishermen for which the Coast Guard has been created? Madam, there is a big photograph, and the description is, "The battery of middleground: Sentinel of Mumbai Harbour". You can see this, Madam. This is the photograph you have published.

THE DEPUTY CHAIRMAN: What is this photograph?

SHRI N. JOTHI: This is the photograph of Coast Guard, and the description is, "Sentinel of Mumbai Harbour". So, Mumbai is very safe.

THE DEPUTY CHAIRMAN: How do you know? We found a Lebanese ship abandoned there. Nothing is...

SHRI N. JOTHI: That is a stray incident. And it is only abandoned; there were no gunmen.

THE DEPUTY CHAIRMAN: Guns were there.

SHRI N. JOTHI: But it is abandoned. They ran away, leaving it for us to add it to our junk so that we can sell it and have some money. But, here, that is not the question. Here, at Thalaimannar and Rameswaram, their only source of living is fishing. Unfortunately, it is not being done for weeks together and months together, at times. The problem is, the Sri Lankan people say that we tread into their waters and that is why they catch us. Madam, there is no border in the sea. During night hours, they set sail. During night hours, they venture into the deep sea. The wind takes them away. How can they understand where the border is? The Coast Guard is there to make its presence felt. Let them be stationed there 24 hours on guard so that the Sri Lankan people keep quiet. If you are there in Mumbai and celebrate and do all the *tamasha*, it doesn't help. One of the functions of the Coast Guard is to protect the fishermen. I have not seen any Coast Guard protecting our fishermen so far. Our people are being shot dead. On an average, 100 fishermen are being shot dead every year. There should be a reduction in population, but not by people being shot dead by our neighbouring country. This is very unfair.

Mr. George, I am wondering what has happened to you. You have been so successful against S. K. Patil. But you have not been successful against Sri Lanka, in spite of all your power. I am very sorry. You are spending all your energy in tying up the loose ends in your NDA and in looking after other affairs, and not your Ministry's affairs. I am a disappointed fan of yours. Please help us. We can only address the Defence Minister, and you are the Defence Minister. When you were appointed as the Defence Minister, we felt very happy. You presided over that function at Rameshwaram, telling us that this was very bad, that the Sri Lankan people were doing very bad things, and that we should not allow that to happen. But, within a short period of your being appointed as the Defence Minister, you forgot your own words.

Sir, please take action. Give an assurance to us, to the people of Tamil Nadu, to Tamil Nadu and to the Chief Minister of Tamil Nadu, as to what you propose to do with these Sri Lankan people who venture into our waters. The LTTE is another problem that we have been facing. But I am not going into that because we have banned them and we have already put one man inside, the man who has been supporting them vociferously. Every time we have put him inside. So, that problem can be solved. We can tackle that ourselves. As far as the Coast Guard is concerned, we appeal to you to act now. Please have some proposals. Please see to it that no fisherman of India is taken away in captivity to Sri Lanka. This is number one.

Secondly, there is another problem. I wish the Members from Telugu Desam were here. Madam, on the Andhra-Tamil Nadu border, Pulicat lake is there. A lot of fishermen live in that area also. They have been taken captives by the Andhra people. The Coast Guard can also prevent that. The fishermen of Tamil Nadu are not safe in high seas. They are law-abiding people. That is why they face all these problems. This is the biggest problem in our country. Law-abiding citizen means a curse in India. The more you abide the law, the more you will be punished.

THE DEPUTY CHAIRMAN: I am going to ring the bell.

SHRI N. JOTHI: As a law abiding person, I will sit. I will not revolt.

THE DEPUTY CHAIRMAN: You finish your speech.

SHRI N. JOTHI: I will finish in two minutes. I am emitting my anxiety. What can we do? As a lawyer, I have filed a writ petition in the Madras High Court, before I became a Member of this House. It is still pending. If you enquire, your office will reveal it. Therein, I have prayed to the Union of India to take effective steps to prevent poaching of innocent fishermen of India. That writ petition is pending in the Madras High Court, in spite of all our cries. Normally, if a child cries, milk is given by the mother.

SHRI S.S. AHLUWALIA (Jharkhand) : Madam, just for the sake of information, I want one clarification from you. The hon. Member himself said that he has filed a writ petition on this issue in the Madras High Court.

THE DEPUTY CHAIRMAN: It is *sub-judice*!

SHRI S.S. AHLUWALIA: No, not on the issue of *sub-judice*. Can he plead the same case in two fora?

SHRI N. JOTHI: I will answer it.

SHRI S. S. AHLUWALIA: Madam, as far as I know... ...*(Interruptions)*... Mr. Jothi, let me submit to the Madam. Please sit down, as I am on my legs. Madam, please give your ruling on this. Can a person plead the same case in two fora?

SHRI N. JOTHI: I will answer it. ...*(Interruptions)*...

SHRI S.S. AHLUWALIA: Mr. Jothi, I have no complaint against the cause. I am not against that. My humble submission is, we should not create a bad precedent in the House. ...*(Interruptions)*...

SHRI N. JOTHI: I will answer it. I have understood his question, I will answer it immediately. ...*(Interruptions)*...

THE DEPUTY CHAIRMAN: Actually, he has asked me to answer, not you.

SHRI N. JOTHI: I will make my submissions. Thereafter, the Chair can give the ruling. Under article 226 of the Constitution, a citizen can approach a High Court -- a citizen, not me, I am only a lawyer-- and pray for many reasons. Nothing prevents the Government of India in making the writ petition infructuous by saying that they have already acted upon. There is nothing wrong in it. It does not mean that you have to act only through the court. If you do it, we will withdraw our writ petition. If that be so, Mr. Ahluwalia must answer me. Just a few hours before, in Lok Sabha, there was a debate on Vaiko's arrest. It was also *sub-judice*. It went on for some time.

SHRI S.S. AHLUWALIA: I am not talking about its *sub-judice* nature.

SHRI N. JOTHI: I only saying, please don't put a bigger issue on cold storage for a smaller issue. Writ petition pendency is nowhere a problem. We will never create a problem for your Department to act upon.

We won't allow many more fishermen to die on the ground of writ petition. I will convince my client and withdraw it tomorrow, if you assure that you will act upon that. In this way, the pendency in the High Court can be reduced. I can definitely withdraw that. I can give that assurance. But, Mr. Ahluwalia need not tell Mr. George to take shelter under that.

SHRI S.S. AHLUWALIA: Mr. Jothi, you have not understood my point. I am talking about the convention of the House. By creating a bad precedent...

SHRI N. JOTHI: You are a senior Member of the House. I follow it. ...(*Interruptions*)...

THE DEPUTY CHAIRMAN: Mr. Ahluwalia, let him finish his speech because he is taking up the cause of the Indian fishermen who have been captured by the neighbouring country, and he would like the Defence Minister to come to the defence of those people. That is as simple as that. As a representative of the people, he has a right to speak in the House. Now, the writ petition is not filed by him. It was filed by somebody else. But, I don't want to get into the controversy whether it is *sub-judice* or not *sub-judice*. The question is, as the Bill being brought here, he is only pleading. He is not saying anything, but he is pleading. I think, your time is over because I want to finish this Bill by five o'clock.

SHRI N. JOTHI: Madam, I will finish in one minute.

THE DEPUTY CHAIRMAN: See, you don't repeat because we all have got very good memory.

SHRI N. JOTHI: I will not repeat. Now, at page 49...(*Interruptions*)...

SHRI RAM JETHMALANI (Maharashtra) : Madam, I want half-a-minute. This matter is covered by a long ruling delivered by the hon. Chairman a couple of months back. A lawyer who has a professional interest in any matter is entitled to speak in the House on that matter. He is entitled to say whatever he wants to say about it, so long as he tells the House that he has a professional interest in it. And, once he discloses that professional interest, he is absolutely within his rights to make any kind of submission before the House.

THE DEPUTY CHAIRMAN: I was the one who gave that ruling a couple of years ago. I would say further that if that professional interest is in favour of the people, then, at least, when I am in the Chair, I will allow. If it is in the interest of the pleader, then, I think, I will not allow it. I will, definitely, not allow anyone to plead such cases here, in the Rajya Sabha, instead of going to the courts and paying fees. ...(*Interruptions*)... You are a Member of the House and you have a right to speak about the problems of fishermen. But, please conclude now. I have to call Mr. Virumbi also.

SHRI N. JOTHI: Madam, the entire expenditure on the writ petition is borne by me. Madam, this booklet has got a variety of information, including information about the vessels which can help the fishermen. The Coast Guard has two fast patrol vessels, two interceptor boats, which can go a little deep, three pollution control vessels, two advance offshore patrol vessels, six hovercraft, two MRSA, two twin-engine payloads, seven dorniers. In spite of all this, "water, water everywhere, not a drop to drink." With all this ultra-modern equipments and planes, hundreds of fishermen are dying. He owes a responsibility to this House and to the kin of those who have already lost. Please prevent the loss of lives, at least, in future.

THE DEPUTY CHAIRMAN: Thank you. Mr. Virumbi, do you endorse or you have something more to add?

SHRI S. VIDUTHALAI VIRUMBI (Tamil Nadu): Madam Deputy Chairman, the Bill before us is regarding the punishment that has to be given for the coast guards who desert the service. Madam, this Bill has been brought the Coast Guards Act has to be in conformity with the provisions of other Acts, like the Border Security Force Act, the Army Act, and the Navy Act, governing the analogous services.

Madam, using this opportunity, I want to say something. With regard to the duties and functions of coast guards, a question is asked: If a coast guard deserts the service, what should be the punishment? But, in the parent Act, Chapter-III, under the heading "Duties and Functions of the Coast Guards", in clause (b) of sub-section 2 of section 14, it is said, "It shall be the duty of the coast guard: To protect by such measures as he thinks fit, the maritime and other national interests of India in the maritime zones of India, providing protection to fishermen, including assistance to them at the sea, while in distress."

Then, in section 16, clause (c), it is said, "Any person, subject to this Act, who fails to perform or negligently performs the duties imposed on him or wilfully conceals in words, practice, or resigns, damaging the interests of the Coast Guard...*(Interruptions)*... Madam, it says, "Every person who deserts or attempts to desert the Coast Guard shall, on conviction by a Coast Guard Court, be liable to suffer imprisonment for a term which may extend to seven years or such less punishment as is in this Act mentioned..." Madam, this clearly shows that one among the duties of the Coast Guard is to protect the fishermen. When I say this I mean the Indian fishermen belonging to Tamil Nadu border. During the last two decades, off and on, every three or six months, we have seen in the newspapers that some fishermen have been shot dead. Then some letters would come from Tamil Nadu and Members from this House and the other House would raise this issue in Parliament. The Government would come and give an assurance that they would look into the matter and ensure that it is not repeated. But what is the actual situation? It is totally different.

Madam, the main problem is this. There are two agreements regarding Kachchathivu, one is signed between the heads of the Governments and the second is signed between the Secretaries from both the countries, that is, Sri Lanka and India. Through the first agreement, the Indian fishermen have got the rights of fishing, drying their nets and people can go there to worship because there is also a temple in that island. All these rights have been given under the first agreement. Now, the rights which have been given under the first agreement, have been taken away by Sri Lanka when an agreement was signed between the two countries at the Secretary level. When the second agreement was signed, at that time we objected to it and told them very clearly that it would pave way for troubles in future. Madam, our objection was not heeded to. Madam, our Prime Minister visited Sri Lanka to attend the SAARC Conference. When he came back from Sri Lanka, he made a *suo motu* statement in this august House? We, on behalf of the DMK Party, raised this issue. I put a very pertinent question to the hon. Prime Minister because there was no mention about the distress of the Indian fishermen. I asked the Prime Minister whether he had any sideline talks during the Conference. He said, "Yes, we had. There was some difference between the information provided by us and the information provided by Sri Lanka. We want to correlate them with each other and see that the rights of the fishermen are protected." This was on 2nd of June. Madam, we have 7400 km. coastline and if you see our

economic zone it is nearly 2.2 million sq. Km. When our own fishermen a fishing in the Indian waters, I feel that our Coast Guard has totally failed protect the rights of the fishermen. If it happens once, they can say that it has escaped their attention. If it is for the second time, it can be said that the Opposition is trying to take some advantage. But it has been continuously happening for decades. Therefore, I say that it is a failure. Therefore, what I feel is that mere assurance is not going to solve the problem. There are two reasons for it. One is the systematic failure, systematic failure in the sense that you have not upgraded the system of intelligence and weapons. They do not belong to Tamil Nadu and that is why they may not know the distress that we are feeling. Madam, when I say it is a systematic failure what I mean is that they have not upgraded the intelligence system. They have not upgraded the weaponry system to compete with the Sri Lankan forces. This is the failure of system. That is number one.

Another point is, if the Government says that there is no systematic failure, then the mistake lies with those people who are harping on this. Therefore, we have accused the Coast Guard directly that it has failed to protect the rights of the fishermen belonging to India, particularly Tamil Nadu fishermen. Whenever we raise this issue, the Government says that it would protect the fishermen. For example, in 1995, when Mr. Misa Ganesan was a Member of this august House, he narrated all the incidents that took place till date of his speech. But nothing has happened. Therefore, I demand that protection should be given to them. An assurance was also given in 1995...(*Interruptions*)... I do not want to add anything further because this is not an issue of party politics. This is an issue pertaining to the people of Tamil Nadu. We, as Tamilians and as Indians, feel distressed. Therefore, I hope that the hon. Minister will take this issue as an important one and see that, at least, it is not repeated again and a proper protection is given to the fishermen of Tamil Nadu. Recently our leader, Dr. Kalaignar Karunanidhi, also wrote a letter to the Government of India to see that proper protection is given to our fishermen. I hope that the Coast Guard would give the necessary protection to them. I expect a proper reply from the hon. Minister. I want a concrete action from the hon. Minister.

With these words, I conclude my speech. Thank you.

SHRI GEORGE FERNANDES: Madam, I am grateful to both the hon. Members from Tamil Nadu who have taken up the cause of fishermen of Tamil Nadu here. The only point I would like to make here is that this particular clause, on which they based their arguments, talks about the Coast Guard having the responsibility of providing protection to fishermen, including assistance to them at sea while in distress. Whenever the Coast Guard has been called out for such duties, the Coast Guard has responded. If there is a charge that the Coast Guard was called and it did not respond, then one can talk of failure. But, to make a general statement that in the vast Indian Ocean and in the vast Exclusive Economic Zone that India has, a force of 5,000 Coast Guard has failed to protect the fishermen in a particular area, I think, is good rhetoric but it cannot be a charge against the Coast Guard. Madam, I suggest to the hon. Members that they let me have instances where distress calls went, fisher-folk faced problems and the Coast Guard did not respond. Even now one can remedy the things to the extent it is possible given the size of our Coast Guard and the resources with which they operate...*(Interruptions)*...

SHRI N. JOTHI: Mr. Minister, will you please yield for a moment?

THE DEPUTY CHAIRMAN: Let him finish.

SHRI N. JOTHI: Madam, only one minute. The hon. Minister is asking me to quote an instance. He also asks me to let him know an instance where there was a distress call and they had not responded. He also said, 'If there is a failure only then you charge. Otherwise, you can't charge.' Here, clause 14 (2) very clearly says, "providing protection to fishermen, including assistance at sea while in distress." I am a fisherman. I am in mid sea. Suddenly, the Sri Lankan boats come. They shoot at me. Whom have I to contact? Do you want me to contact you or the Coast Guard or whom I have to contact? What should I do in the sea? You have to foresee the things. You have to post somebody. You post a vessel there...*(Interruptions)*...

SHRI GEORGE FERNANDES: How does the Coast Guard know that you are at a particular point on sea?

SHRI N. JOTHI: I will reply to that also.

THE DEPUTY CHAIRMAN: You don't answer. You sit down.

SHRI N. JOTHI: Palk Strait is a small area. You post vessel there...(*Interruptions*)... I want a vessel to be posted there. That , all I am asking for. You post one vessel. ...(*Interruptions*)...

THE DEPUTY CHAIRMAN: Take your seat. Let the Minister answer. You made a very long speech, and took more than your allotted time. I considered your agony that is why I allowed you. But let him answer now.

SHRI GEORGE FERNANDES: I will answer only in one more sentence. Our Coast Guard has defended our coasts and fulfilled the responsibilities that they have. They have done their duty, and done their duty with great diligence. The work, that they have done, has earned them laurels not only from within the country, but also from many other maritime countries of the world. They have conducted operations which have created a name for them, and have brought them invitations from various maritime countries to train their Coast Guard personnel. This is our Coast Guard. I will provide information to both the hon. Members, and also to the House regarding all the work that the Coast Guard has done over a period of time, including where they have rescued fishermen, where they have protected fishermen. Whenever any call has gone to them, they have reacted as soon as the call had reached them. I do not wish to say anything more on this brief and interesting debate in which the hon. Members from Tamil Nadu have taken part. I request that this Bill be taken up for consideration. ...(*Interruptions*)...

THE DEPUTY CHAIRMAN: Just one minute.

SHRI N. JOTHI: I am quite disappointed with the reply of the hon. Minister. I am walking out, not on behalf of my party, but I am alone walking out. I had not expected to listen this from him. ...(*Interruptions*)...

THE DEPUTY CHAIRMAN: Before you walk out.... (Interruptions) Listen to me first. You are a law-abiding Member. (Interruptions) Listen to me first. Sit down. Let me say what I am saying. Don't behave like a lawyer. Behave like a Member of Parliament. You are not in a court. You are in the House. ...(*Interruptions*)... Please sit down. ...(*Interruptions*)...

Okay, take your seat. ...*(Interruptions)*... The Minister has said that if you or any of the Member from Tamil Nadu had any specific example, you could tell him. He is open to find out a remedy for it. If you do that, it would help him and would help you, and would help -- through you -- your poor fishermen also. Just walking out is no solution. However, I do not have any objection to your walking out. It is your right to walk in and out of the House. But the main thing is that you want the redressal of your problem. ...*(Interruptions)*... Just a minute. ...*(Interruptions)*...

SHRI N. JOTHI: Let him post a vessel. ...*(Interruptions)*...

DR. V. MAITREYAN (Tamil Nadu): Last year our Chief Minister came and met the hon. Prime Minister, and gave a series of memoranda, which included this also. ...*(Interruptions)*...

THE DEPUTY CHAIRMAN: We are on a very limited issue. I have no knowledge of any memoranda the CM had given. But I would suggest only one thing that if you have any specific example, give it to the Minister. He is open to examine it. And if even then you are not satisfied, this House is open for discussion. Nobody stops you from speaking. That is the main aim of Parliament. ...*(Interruptions)*...

SHRI P.G. NARAYANAN (Tamil Nadu): This is a very serious issue, but he is taking it lightly. ...*(Interruptions)*...

SHRI GEORGE FERNANDES: No, no. That is precisely the point that I have made. ...*(Interruptions)*...

THE DEPUTY CHAIRMAN: I think it is not liked...*(Interruptions)*... Perhaps, you don't understand that an assurance by a Minister on the floor of the House is a most important thing in our Rule Book. He said, "Please give me some incidence." If something has happened, please tell him. And even then if you are not satisfied, I am always -- at least, from 10 o' clock onwards -- there to help you. You can come and tell me. I will discuss with him. But, at least, let us be positive. ...*(Interruptions)*...

SHRI N. JOTHI: We believe you more than him. ...*(Interruptions)*...

5.00 p.m.

THE DEPUTY CHAIRMAN: You can't because the Coast Guard is not under me. ...*(Interruptions)*... Okay, I will go with you to him or I will call him to my chamber. But, please, let us pass this Bill. The question is:

"That the Bill further to amend the Coast Guard Act, 1978, be taken into consideration. "

The motion was adopted.

THE DEPUTY CHAIRMAN: We shall now take up the clause-by-clause consideration of the Bill.

Clauses 2 to 11 were added to the Bill.

THE DEPUTY CHAIRMAN: Clause 1. There is one amendment, by Shri George Fernandes.

Clause 1 (Short title)

SHRI GEORGE FERNANDES: Madam, I move:

2. That at page 1, line 3, *for* the figure "2001" the figure "2002" be substituted.

The question was put and the motion was adopted.
Clause 1, as amended, was added to the Bill.

THE DEPUTY CHAIRMAN: The Enacting Formula. There is one amendment, by Shri George Fernandes.

ENACTING FORMULA

SHRI GEORGE FERNANDES: Madam, I move:

1. That at page 1, line 1, *for* the word "Fifty-second" the word "Fifty-third" be *substituted.*

The question was put and the motion was adopted.
The Enacting Formula, as amended, was added to the Bill.
The Title was added to the Bill.

SHRI GEORGE FERNANDES : Madam, I move:

"That the Bill, as amended, be passed."

The question was put and the motion was adopted.

THE DEPUTY CHAIRMAN: Thank you very much. We did it two minutes before the schedule. I think those two minutes were spent by me in persuading you to sit down. Thank you very much for it. We have transacted a lot of Business. ...*(Interruptions)*... Thank you for your cooperation. Now, the House is adjourned till 11 o'clock tomorrow.

The House then adjourned at two minutes past five of the clock, till eleven of the clock on Thursday, the 18th July, 2002.

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